

REMARKS

Claims 1, 3, 6-8, 10-12, 14-16, and 19-24 have been amended, and claims 4, 5, 13, and 18 have been canceled without prejudice or disclaimer. The specification has been amended to correct certain informalities and for clarification. Accordingly, claims 1-3, 6-12, 14-17, and 19-24 are currently pending in the application, of which claims 1, 11, 16, 21, and 22 are independent.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Amendments to the Abstract

The Abstract was objected to as not being in narrative form in a single paragraph on a separate sheet within 50 to 150 words.

Applicant respectfully disagrees with the objection as to form. In the interest of expediting prosecution, the Abstract has been amended.

Please replace the Abstract with the attached Replacement Abstract. The Abstract has been amended by reducing the number of words and for clarification and better wording. No new matter has been added by the amendments to the Abstract.

Accordingly, Applicant respectfully requests withdrawal of the objection to the Abstract.

Claim Objection

Claim 9 was objected to for informalities, namely including the phrase "community visitor" instead of "user."

Claim 1 has been amended herein to include an antecedent basis for “community visitor.”

Claim 9 has not been amended because Applicant respectfully submits that claim 9 depends from an allowable base claim and is allowable at least for this reason.

Rejections Under 35 U.S.C. § 101

Claims 16-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 16 recites, *inter alia*, “a data storage to store the processed visitor-related data” (emphasis added).

Clearly, the claim is directed to statutory subject matter, *viz.*, the data storage.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 101 rejection of claims 16-20.

Rejections Under 35 U.S.C. § 102

Claims 1-16, 18-20, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0059379 applied for by Harvey, *et al.* (“Harvey”).

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

Harvey fails to disclose every feature of claims 1, 11, and 16.

Amended claims 1, 11, and 16 recite, *inter alia*, “wherein the link program is linked from the website that provides the community visitor with a community interface, the link program

being a program stored in a contents server of the website to which the community belongs or a program stored in other websites.”

The Office Action rejected these features in its rejections of now canceled claims 4, 5, 13, and 18 by citing Harvey’s paragraphs [0057] and [0136] and Fig. 4 as teaching these features (Office Action: pages 6, 9, 10, and 11). Applicant respectfully disagrees. Instead, Harvey teaches that a community includes a chat room with a user-selectable hyperlink, but Harvey does not disclose a use or a function of the hyperlink (Harvey: para. [0136]). Also, Harvey teaches that in order for a user to participate in an application or a game, the user must maintain a local copy of the application or the game at client 110, i.e., the user’s PC 110 (Harvey: para. [0136]).

Further, in order for the Office Action to remain consistent with the rejection of claim 1, the Office Action must rely upon Harvey’s executable component of the invitation message as the link program (Office Action: page 5). Harvey discloses that the executable component of the invitation is local to the user, i.e., on client 110 (Harvey: paras. [0127], [0128], and [0136]). Consequently, Harvey cannot possibly be relied upon to disclose at least “wherein the link program is linked from the website that provides the community visitor with a community interface, the link program being a program stored in a contents server of the website to which the community belongs or a program stored in other websites” for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 11, and 16. Claims 2, 3, 6-10, 12, 14, 15, 19, and 20 depend from claim 1, 11, or 16 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 11, 16, and all the claims that depend therefrom are allowable.

Rejections Under 35 U.S.C. § 103

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,015,348 issued to Lambright, *et al.* ("Lambright"). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claim 16 is allowable over Harvey, and Lambright fails to cure the deficiencies of Harvey noted above with regard to claim 16. Hence, claim 17 is allowable at least because it depends from an allowable claim 16.

Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harvey and further in view of U.S. Patent No. 6,352,479 issued to Sparks ("Sparks"). Applicant respectfully traverses this rejection for at least the following reasons.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966) ("*Graham*").

In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed.

KSR Int'l. Co. v. Teleflex, Inc., 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). The Federal Circuit requires that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Finally, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest every claimed feature. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The rejections of claims 21 and 22 must be withdrawn because the Office Action fails to establish a *prima facie* case of obviousness. In contrast to the requirements of *Graham*, the Office Action fails to ascertain the differences between the prior art and the claims in issue. For example, the Office Action cites several portions of Harvey and Sparks without stating which features of claims 21 and 22 Harvey does not disclose (Office Action: pages 14 and 16).

Moreover, the Office Action fails to establish a *prima facie* case of obviousness of claims 21 and 22 at least because even if combined, Harvey and Sparks fail to disclose or suggest every claimed feature.

Claims 21 and 22, which are amended herein for clarity and better wording and not for the purpose of avoiding the alleged prior art, recite, *inter alia*, “by a community visitor, accessing the community and selecting a game program prepared in the community” (emphasis added).

The Office Action cites Harvey’s paragraphs [0127], [0128], and [0136] and Figs. 7 and 8A-1 as teaching these features (Office Action: pages 13 and 15). More particularly, the Office Action states “as a user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community” (Office Action: pages 13 and 15). As Applicant interprets this statement, the Office Action apparently cites Harvey’s executable component of the invitation, Harvey’s application that is represented by a link to a community, or Harvey’s executable file as teaching the game program (Harvey: para. [0128]); however, the Office Action is ambiguous and unclear as to the relied upon elements of Harvey and is therefore arbitrary and capricious. Nonetheless, all three of these elements of Harvey (the executable component, the application, and the executable file) are local to the user, i.e., located on the client 110 (Harvey, paras. [0127], [0128], and [0136]). Therefore, when any of

these elements are selected by the user, they are selected locally, not in a community. In other words, these elements are produced in the client 110 and selected in the client 110. Sparks does not cure these deficiencies. Consequently, Harvey, alone or in combination with Sparks, fails to disclose or suggest at least “by a community visitor, accessing the community and selecting a game program prepared in the community” for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 21 and 22. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant submits that independent claims 21 and 22 are allowable.

Other Matters

In addition to the amendments mentioned above, various paragraphs of the specification have been amended for informality correction, better wording, and clarification.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the stated objections and grounds for rejection have been overcome or rendered moot.

Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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